

JS-44 (Rev. 3/99)

IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

SEE ATTACHED RIDER

Israel

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

BROOKLYN OFFICE

SEE ATTACHED RIDER

Washington, D.C.

County of Residence of First Listed

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Robert J. Tolchin, Esq., Jaroslawicz & Jaros, 150 William Street, 19th floor, New York, New York 10038

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTP DEF	Incorporated and Principal Place of Business in This State	PTP DEF
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

GLEESON, JR.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 620 Oilier Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Arbitration
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 625 Drug Related Sciencre of Property 21 USC 881	<input type="checkbox"/>	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instruments	<input type="checkbox"/> 320 Asslt, Libel & Slander	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/>	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/>	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/>	<input type="checkbox"/> 470 Rankener Influence and Central Organizations
<input type="checkbox"/> 152 Recovery of Defrauded Soldiers' Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/>	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 690 Other	<input type="checkbox"/>	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders' Suite	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/>	<input type="checkbox"/> 875 Consumer Challenge 12 USC 3410
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Mgmt Relations	<input type="checkbox"/>	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act	<input type="checkbox"/>	<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PETITIONS	FEDERAL TAX SUITS	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/>	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 750 Other Labor Litigation	<input type="checkbox"/>	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Eviction	<input type="checkbox"/> 443 Housing Accomodations	<input type="checkbox"/> 760 Empl. Ret. Inc Security Act	<input type="checkbox"/>	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare		<input type="checkbox"/>	<input type="checkbox"/> 930 Constitutionality of State Statutes
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 899 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property				

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Resealed

Transferred from another district (specify)

Appeal to District Judge from Multidistrict Litigation

Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

First, Fifth, Sixth, Eighth amendments to the US Constitution, Inter alia.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION DEMAND UNDER F.R.C.P. 23CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) (See instructions): IF ANY

JUDGE

Gleeson

DOCKET NUMBER

02 CV 2307

DATE: 9-13-04

SIGNATURE OF ATTORNEY OR PARTY

R. T. Tolchin

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLICABLE IJP _____ JUDGE _____ MAG. JUDGE _____

ARBITRATION CERTIFICATION

I, ROBERT TOLCHIN, counsel for PLAINTIFF,

do hereby certify pursuant to the Local Arbitration Rule 83.10 that to the best of my knowledge and belief the damages recoverable in the above captioned civil action exceed the sum of \$150,000 exclusive of interest and costs.

Relief other than monetary damages is sought.

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more or its stocks: None

Did the cause arise in Nassau or Suffolk County? NO

If answered yes, please indicate which county.

County of residence of plaintiff(s) (1) ISRAEL
(2) _____
(3) _____

County of residence of defendant(s) (1) WASHINGTON DC
(2) WASHINGTON, DC
(3) BROOKLYN

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes No _____

Are you currently the subject of any disciplinary action(s) in this or any other state or federal court?

Yes _____ (If yes, please explain) No _____

Please provide your E-MAIL Address and bar code below. Your bar code consists of the initials of your first and last name and the first four digits of your social security number or any other four digit number registered by the attorney with the Clerk of Court.

(This information must be provided pursuant to local rule 11.1(b) of the civil rules).

ATTORNEY BAR CODE: 12T3713

E-MAIL Address: RJT@TOLCHINLAW.COM

I consent to the use of electronic filing procedures adopted by the Court in Administrative Order No. 97-12, "In re Electronic Filing Procedures(EFP)", and consent to the electronic service of all papers.

Signature: RJT 

RIDER

The caption is as follows:

SILVAN KURZBERG; PAUL KURZBERG; YARON SHMUEL; and OMER GAVRIEL MARMARI,

Plaintiffs,

-against-

JOHN ASHCROFT, Attorney General of the United States; JAMES W. ZIGLAR (Former Commissioner of the Immigration and Naturalization Service); MICHAEL ZENK (Warden of the Metropolitan Detention Center); DENNIS HASTY (former Warden of the Metropolitan Detention Center) KATHLEEN HAWK SAWYER (former Director of the Federal Bureau of Prisons); LINDA THOMAS (former Associate Warden of Programs of the Metropolitan Detention Center); ROBERT MUELLER (Director of the Federal Bureau of Investigation); KEVIN LOPEZ (believed to be an employee of the Federal Bureau of Prisons); S. CHASE (believed to be an employee of the Federal Bureau of Prisons); "JORDAN" (believed to be an employee of the Federal Bureau of Prisons, whose true first and last names are unknown to the plaintiffs, who believe they heard him being called "Jordan") MARIO MACHADO (believed to be an employee of the Federal Bureau of Prisons); WILLIAM BECK (believed to be an employee of the Federal Bureau of Prisons); RICHARD DIAZ (believed to be an employee of the Federal Bureau of Prisons); C. SHACKS (first name unknown first name unknown, believed to be an employee of the Federal Bureau of Prisons); SALVATORE LOPRESTI (believed to be an employee of the Federal Bureau of Prisons); STEVEN BARRERE (believed to be an employee of the Federal Bureau of Prisons); JON OSTEEN (believed to be an employee of the Federal Bureau of Prisons); J. MIELES (first name unknown, believed to be an employee of the Federal Bureau of Prisons); MICHAEL DEFRAZCISCO (believed to be an employee of the Federal Bureau of Prisons); F. JOHNSON (first name unknown, believed to be an employee of the Federal Bureau of Prisons); CHRISTPHOR WITSCHEL (believed to be an employee of the Federal Bureau of Prisons); MOSCHELLO (first name unknown, believed to be an employee of the Federal Bureau of Prisons); NORMAN (first name unknown, believed to be an employee of the Federal Bureau of Prisons); HOSAIN (first name unknown, believed to be an employee of the Federal Bureau of Prisons); MOUNBO (first name unknown, believed to be an employee of the Federal Bureau of Prisons); M. ROBINSON (first name unknown, believed to be an employee of the Federal Bureau of Prisons); TORRES (first name unknown, believed to be an employee of the Federal Bureau of Prisons) COUNSELOR RAYMOND COTTON (believed to be an employee of the Federal Bureau of Prisons); DR. LORENZO

(first name unknown, believed to be an employee of the Federal Bureau of Prisons); LIEUTENANT BIRAR (first name unknown, believed to be an employee of the Federal Bureau of Prisons); LIEUTENANT BUCK (first name unknown, believed to be an employee of the Federal Bureau of Prisons); LIEUTENANT T. CUSH (first name unknown, believed to be an employee of the Federal Bureau of Prisons); LIEUTENANT GUSS (first name unknown, believed to be an employee of the Federal Bureau of Prisons); LIEUTENANT D. ORTIZ (first name unknown, believed to be an employee of the Federal Bureau of Prisons); LIEUTENANT J. PEREZ (first name unknown, believed to be an employee of the Federal Bureau of Prisons); UNIT MANAGER C. SHACKS (first name unknown, believed to be an employee of the Federal Bureau of Prisons); JOHN DOES 1-30, Metropolitan Detention Center Corrections Officers, "John Doe" being fictional first and last names, intended to be the corrections officers at the Metropolitan Detention Center who abused the plaintiffs and violated their rights, and whose identities are known to the defendants but at this time unknown to the plaintiffs; JOHN ROES 1-30, Federal Bureau of Investigation and/or Immigration and Naturalization Service Agents, "John Roe" being fictional first and last names, intended to be the corrections officers at the Metropolitan Detention Center who abused the plaintiffs and violated their rights, and whose identities are known to the defendants but at this time unknown to the plaintiffs,

Defendants.

The defendants in this case, with their addresses, are:

JOHN ASHCROFT
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

JAMES W. ZIGLAR
Current address unknown to plaintiffs

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JOHN DOES 1-30
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JOHN ROES 1-30
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U.S. Department of Homeland Security
Washington, D.C. 20528